

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*

State Engineer,

Plaintiff,

v.

RAMON ARAGON, *et al.*,

Defendants.

04 SEP -04 AM 8:39

CLERK OF COURT

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM

Canjilon Creek, Section 3

Subfile No.: CHCJ-002-0011

**CONSENT ORDER**

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

ERNESTINA V. RIVERA  
LEO E RIVERA

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Canjilon Creek, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Canjilon Creek, Section 3, is set forth below:

**A. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s):** 0611

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch:** BORDO DITCH

**Location:** X= 1,595,945 feet Y= 2,003,807 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 08, Township 26N, Range 05E, N.M.P.M.

Pt. SW<sup>1</sup>/<sub>4</sub> 1.8 acres

Pt. SW<sup>1</sup>/<sub>4</sub> 22.2 acres

Total 24.0 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCJ-002-0011

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

**B. NO RIGHT (Surface Water Only):**

**Office of the State Engineer Files No(s):** 0611

**Priority:** NONE

**Source of Water:** Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

**Purpose of Use:** NO RIGHT

**Point of Diversion:**

**Ditch:** OTRA VANDA DITCH

**Location:** X= 1,589,954 feet Y= 2,002,692 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Acreage**

Section 08, Township 26N, Range 05E, N.M.P.M.

Pt. SW $\frac{1}{4}$  2.5 acres

Total 2.5 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCJ-002-0011

**Amount of Water:** NONE

**C. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s):** 0611

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch:** OTRA VANDA DITCH

**Location:** X= 1,589,954 feet Y= 2,002,692 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 08, Township 26N, Range 05E, N.M.P.M.

Pt. SW $\frac{1}{4}$  9.5 acres

Total 9.5 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCJ-002-0011

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

**D. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s):** 0611

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch:** RIVERA DITCH NO.1

**Location:** X= 1,587,350 feet Y= 2,001,383 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Consent Order

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Subfile No.: CHCJ-002-0011

Section 08, Township 26N, Range 05E, N.M.P.M.

Pt. SW<sup>1</sup>/<sub>4</sub> 10.5 acres

Total 10.5 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCJ-002-0011

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

**E. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s):** NONE

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch:** RIVERA DITCH NO.2

**Location:** X= 1,587,140 feet Y= 2,001,278 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 08, Township 26N, Range 05E, N.M.P.M.

Pt. SW<sup>1</sup>/<sub>4</sub> 3.6 acres

Total 3.6 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCJ-002-0011

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

**F. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s):** NONE

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch:** EL LLANO DITCH

**Location:** X= 1,593,224 feet Y= 2,003,235 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 08, Township 26N, Range 05E, N.M.P.M.

Pt. SW $\frac{1}{4}$  5.0 acres

Total 5.0 acres

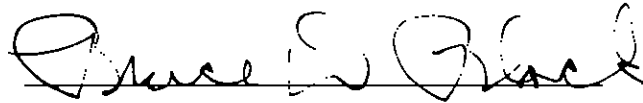
As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCJ-002-0011

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Canjilon Creek, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Canjilon Creek, Section 3, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Canjilon Creek, Section 3, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Canjilon Creek, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:

Vickie L. Garcia  
SPECIAL MASTER

ACCEPTED: Leo E. Rivera  
LEO E RIVERA

ADDRESS: P.O. box 585  
Canyon, N Mex  
87515

DATE: 6- -04

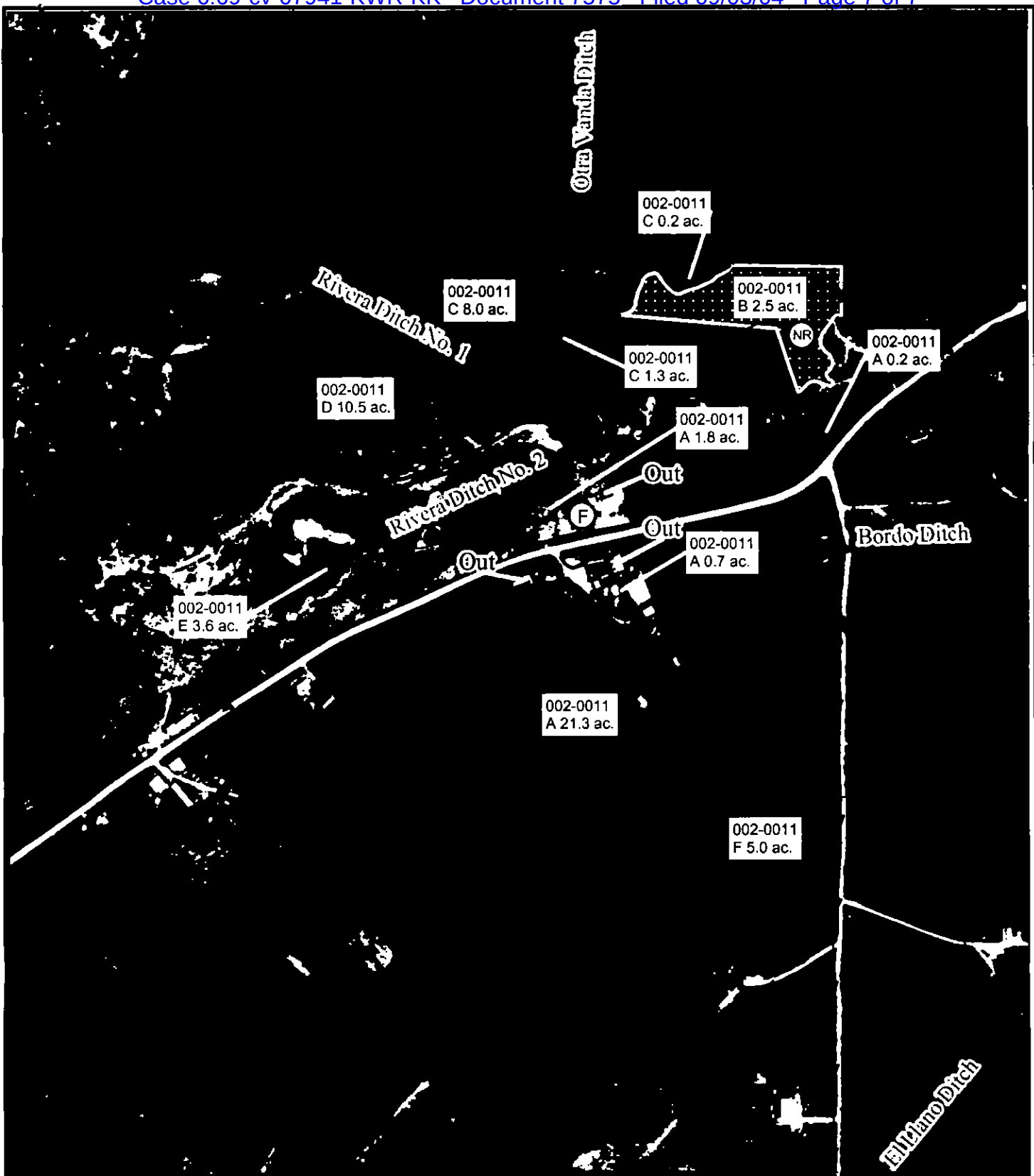
ACCEPTED: Ernestina V. Rivera  
ERNESTINE V RIVERA  
ERNESTINA V. RIVERA

ADDRESS: ← Same

DATE: \_\_\_\_\_

Edward G. Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General

6.21.04  
Date



## LEGEND

- |                          |                    |
|--------------------------|--------------------|
| Irrigated Tract Boundary | Point of Diversion |
| No Right Tract Boundary  | Fallow             |
| Seeped Area              | No Right           |
| Operable Ditch           |                    |
| Inoperable Ditch         |                    |
| Stock Ponds / Reservoir  |                    |



1 inch = 400 feet

0 200 400 800 Feet

STATE OF NEW MEXICO  
Office of the State Engineer  
John R. D'Antonio, Jr., P.E.,  
State Engineer

Rio Chama Hydrographic Survey  
CANJILON CREEK SECTION

Subfile Number  
CHCJ-002-0011  
Bordo, Rivera  
Ditches #1 & #2,  
Otra Vanda &  
El Llano Ditches  
AMENDED Jan. 8, 2004

